

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF N.H.
DISTRICT OF N.H.
FILED

2013 MAR 19 A 10:44
NO. 11-CR-00022-JD

UNITED STATES OF AMERICA

V.

JOSE REYES

MOTION TO EXCEED STATUTORY FEE LIMITS

NOW COMES Paul J. Garrity, attorney for the defendant, and moves this Court to authorize Attorney Garrity to exceed the statutory fee limit.

In support of this Motion, Attorney Garrity states as follows:


1. Fee requests in excess of the maximum amount of \$9,200.00 authorized under 18 U.S.C. 3006A(d)(2) are governed by the criteria laid out in United States v. Carnevale, 624 F. Supp 381 (D.R.I. 1985). Those criteria include:
 - the amount, character and complexity of work required
 - responsibilities involves
 - manner in which duties were performed
 - knowledge, skill and judgment required of and used by counsel
 - professional standing of counsel as reflected by length of time at bar, experience acquired and reputation established
 - nature of counsel's practice and injury thereto
 - any extraordinary pressure of time or other factors under which services were recorded
 - results achieved

- and any other circumstances brought to the court's attention relevant and material to the determination of a fair and reasonable fee - p. 384
- 2. The defendant is housed at the Strafford County House of Corrections and consulting with the defendant required the undersigned counsel to travel to and from this facility.
- 3. During the course of his representation, which extended from May, 2011 to February, 2013, Attorney Garrity has worked a total of 184.3 hours in this case. Attorney Garrity's representation involved a review of discovery, legal research and drafting of motions, travel and meetings with client, and consulting with the U.S. Attorney. In addition, court hearings were held in this matter. This case also involved extensive sentencing issues/proceedings.
- 4. The undersigned counsel has been a member of the New Hampshire Bar since 1986. My practice is devoted entirely to criminal defense and I have been a member of this Court's CJA Panel since approximately 1988.
- 5. The time expended in defending this case was necessary.
- 6. Attorney Garrity submits that the amount of time he has expended in representing the defendant should qualify as good cause to exceed the statutory fee limits. Otherwise, the undersigned counsel will be financially penalized for accepting this case.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant the within Motion.

Respectfully submitted,
Paul J. Garrity,

Date: March 18, 2013



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CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on this 18th day of March, 2013, a copy of the within was mailed, postage prepaid, to the United States Attorney's Office.



Paul J. Garrity